

Docket No. 2900004-000008  
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I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 17, 2004.

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**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: MCDONALD : Paper No.:  
Serial No.: 10/014,373 : Group Art Unit: 3731  
Filing Date: November 9, 2001 : Examiner: Thaler, Michael H.  
For: **SURGICAL INSTRUMENTS AND METHOD FOR CORNEAL REFORMATION**

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In the Official Action dated May 17, 2004, the Examiner required restriction under 35 U.S.C. § 121 between Group I (claims 1-11, drawn to a method of reforming the cornea), Group II (claims 12-35, drawn to a surgical instrument with a spatula-like member), and Group III (claims 36-38, drawn to a surgical instrument including a cutting member). The Examiner asserted that restriction was required because Groups I, II and III are drawn to three distinct inventions related as process and apparatus for the process, where the apparatus as claimed can be used to practice another and materially different process. The Examiner asserted that Group II contained claims directed to three patentably distinct species of the claimed invention, and further required election of a single disclosed species for prosecution on the merits if the invention in Group II was elected.

Applicant elects Group II, claims 12-35, drawn to the surgical instrument with a spatula-like member. Applicant further elects the species of the spatula-like member having a trapezoidal cross-sectional shape, claims 28-35, with traverse. Applicant submits that it would not be unduly burdensome to include all disclosed shapes in a single application.

It is believed that this represents a complete response to the election and restriction requirement set forth in the Official Action, and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



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